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11 Yi Kerry Xu

12 UNITED STATES DISTRICT COURT
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14 NORTHERN DIVISION OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION

17 U.S. COMMODITY FUTURES
18 TRADING COMMISSION AND THE
19 COMMISSIONER OF
20 CORPORATIONS OF THE STATE OF
21 CALIFORNIA,

22 Plaintiffs,

23 vs.

24 NATIONAL INVESTMENT
25 CONSULTANTS, INC., a California
26 Corporation, PACIFIC BEST GROUP,
27 LTD., aka PACIFIC BEST COMPANY
28 LTD., a British Virgin Islands
Corporation, YI KERRY XU, an
individual, RUN PING ZHOU
a.k.a.FLORA ZHOU and WEI M. TSE,
aka RAYMOND TSE, an individual,

Defendants.

And

THERESA C. WONG, an individual,

Relief Defendant.

CASE NO. 05-2641 JSW

**DEFENDANT YI KERRY XU'S REQUEST
TO APPEAR BY TELEPHONE**

1 Defendant Yi Kerry Xu hereby requests to appear through counsel by telephone for the
2 Case Management Conference hearing set for November 4, 2005 09:00 a.m. immediately
3 following the hearing on the Motion to Dismiss in Courtroom 2 on the 17th Floor of the Federal
4 Building, 450 Golden Gate Avenue, San Francisco, California.

5 Defendant Yi Kerry Xu is not a party to the motion to dismiss, and Defendant's counsel
6 is located in Los Angeles, California. The Court gave its advance permission to this request on
7 August 26, 2005 during the hearing on the CFTC's Motion for Preliminary Injunction.

8 On the date of the hearing, counsel John W. Cotton can be reached at 213/312-1336.

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11 Dated: August 23, 2005

JOHN W. COTTON
COTTON & GUNDZIK LLP

12
13 /s/John W. Cotton

14 John W. Cotton

15 Attorney for Defendant
16 Yi Kerry Xu

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18 IT IS SO ORDERED.

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20 Dated: October 25, 2005

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Honorable Jeffrey S. White